

4. THE CASE FOR HISTORIC SCOTLAND

4.1 THE HISTORY AND SIGNIFICANCE OF ROWALLAN CASTLE

The history of the castle

4.1.1 The present buildings at Rowallan incorporate and overlie an extraordinary exposition of the development of castellated architecture. There has been a house on this site at least since the thirteenth century. Recent excavations in the north-east tower discovered the remnants of at least one and possibly two Iron Age timber buildings, that lie beneath the earliest stone building and add considerably to its archaeological importance. A late Bronze Age burial was also uncovered.

4.1.2 The main phases of development (summarised at paragraph 1.4 *ibid*) illustrate a pattern of regular alteration and rebuilding, culminating in the elegant reworking (Phase 2) possibly begun by John Mure prior to 1513. Mungo Mure probably rebuilt major elements of the domestic accommodation around the courtyard, replacing a less fashionable towerhouse, completing a superb hall and chamber in the south range. Mungo's son, John continued the work of creating an accomplished Renaissance 'palace' around the existing courtyard, a task that was completed in the next century.

4.1.3 The castle is inextricably linked to the Mure family. Copies of two early family charters survive, and several family histories were written. The earliest document tracing the Ayrshire history of the family is from 1260. In 1296, Gilchrist Mure granted lands from Rowallan to his daughter. The estate was then acquired by the Comyns, but returned to the Mures through marriage in 1341. The Mure family's fate during the Wars of Independence is largely undocumented but the great families who controlled Ayrshire at the outbreak of war in 1296 were the Balliols and Comyns. Both were on the losing side and few Comyns survived reprisals by Robert I between 1307 and 1309. That Walter Comyn of Rowallan did survive is remarkable; that he had sufficient resources to grant land to Kilwinning Abbey soon after is even more so. Elizabeth Mure's marriage into the royal house in the 14th century elevated that family to the national stage. Her son by King Robert II became the first Stewart king. The Mures were now one of the premier families in this part of Scotland. By the time John Learmonth wrote his history in the early years of the 16th century, the family was well established in the Barony of Rowallan.

4.1.4 The next owner, Campbell of Loudoun, did not use Rowallan Castle as the premier family residence, it eventually moved down the social scale and became used for estate staff. Although some of the fitting out of the interiors may relate to their use, they made no significant changes to the building. Their lack of direct interest may be one reason for the remarkable survival of the interior, largely unchanged since the death of successive Sir William Mures. When the 11th Earl of Loudoun sold the estate in 1874, an estate forester was living in the castle. Reworking the building was considered in the 1880s, but it did not proceed. In 1901, Lord Donnington of Loudoun sold the estate to Mr A Cameron Corbett, MP for Tradeston.

4.1.5 Mr Corbett, who became the first Lord Rowallan, decided that it would not be practical to reuse the castle and chose to build a new house, now the Lorimer House. Although correspondence makes clear that his successor put the castle into state care because of the cost of maintaining it, a letter of February 1944 (in HS/28) indicates that he also held a

very strong view that it was an ancient monument. It was agreed in 1943 that "no attempt is to be made to recondition it (the castle) as a dwelling with all modern conveniences". That first meeting also defined the philosophical approach to be taken, namely to "treat fabric in the same manner as at Huntingtower and Elcho Castles, i.e. to preserve and develop what is in existence and remove from it all structural intrusions of late date". The merit of the building was assessed and a condition survey undertaken which led to an agreement to take the property into care. Alternative solutions were considered, because it was not thought appropriate to take action during the War, but all proved too costly or inappropriate. The National Trust for Scotland, and the owner, wrote after the War to express concern for the building and to state that they regarded it as a nationally important ancient monument, at serious structural risk, which should be in state hands. Financial difficulties resulted in the sale of the estate, by Lord Rowallan's grandson, in 1989, to AGL. It passed to DML in 1996.

The significance of the castle

4.1.6 A SAM is, by definition, of national importance. Any proposals which effect the monument so as to damage that importance should be able to show an overriding requirement for the development in the national interest. The Reporter in the 2001 (Rowallan Estate) inquiry made a finding to that effect, from which the Reporter in the Castle Tioram inquiry found no reason to depart. The provision of a dwelling for what is indicated as 8 bed spaces, however remarkable, is unlikely to be capable of being justified in the national interest, or to outweigh the significance which attaches to the preservation of the SAM as required by the 1979 Act.

4.1.7 To preserve its national significance, any conservation solution must take full account of the cultural significance of the monument and the technical requirements of conserving the fabric. Its national importance derives from its cultural significance, which is made up of:

(a) its great archaeological value: both below ground and in the evidence contained in the masonry and the extraordinary internal fittings.

(b) its historic value, as a symbol of the cultural flowering of the Renaissance in Scotland, with the remarkable talents of the later generations of Mures epitomising the polymath culture of their time. It epitomises all that is special in Renaissance Scotland.

(c) its architectural and aesthetic value, as a high status building constructed between the 13th and 17th centuries, and as a picturesque house with a profound patina of age, set against elegant parkland.

(d) its social value, as a place for recreation, contemplation and inspiration, as a visible marker allowing connections to be made with our past, as the seat of a great family and as an educational resource, and as a visitor attraction promoted by HS.

4.1.8 Consolidation and interpretation of the monument in its current form would achieve the above objective and is the most appropriate strategy. However, DML has indicated that it is not committed to such conservation and maintenance unless it can use it as an hotel annex.

4.1.9 As regards archaeological value, the entire scheduled area at Rowallan has the potential to provide important archaeological information. The quality of the archaeological evidence has recently been illustrated by excavation. Important deposits are likely to remain

beneath all the buildings, and in the courtyard. Small-scale test excavations beyond the castle walls have shown that the mound on which the castle sits is particularly sensitive. Rowallan has always been set in a landscape that owed its form to its owners. The fine 16th century house was certainly surrounded by elegant formal gardens, and the evidence for these, and earlier, gardens may survive in the surrounding archaeology. All of the ranges of the castle appear to incorporate and partly overlie earlier buildings and the upstanding archaeology is of these structures is of equal importance to that below ground. It has the potential to provide detailed information on the development of fortification and high status domestic occupation here, from the medieval period to the 19th century.

4.1.10 The architectural and historical significance of the castle resides in a blend of features which, taken together, mark it out as a building of special regional and national importance. Succeeding generations of 20th century scholars tended to view towers and houses of this period in a militaristic light, and establishments such as Rowallan, which did not immediately conform to recognisable canons in that context being confined to the margins of scholarly study. However, over the past two decades, interest in the domestic and social history of Scotland, as expressed through its architecture, has burgeoned as never before. Nowhere has that interest been more intense and penetrating than in relation to what is variously labelled in cultural or period terms as Renaissance, post-Reformation, post-Medieval or early modern Scotland.

4.1.11 Michael C Davis (HS/29) is the first to highlight the likely referential nature of the double-towered east front of Rowallan, which he views as a palace gatehouse entry "more ... an echo of the regal splendour of Stirling Castle, Falkland Palace and the gatehouse at Linlithgow, ... than ... a return to the aggressive defence of the 13th-century keep-gatehouse". He also observes that the roof is brought down to the wallhead, omitting parapet and battlements; he suggests this may be the first instance of this convenience on an Ayrshire castle; and that Rowallan was allowed to retain its special identity without pastiche. Deborah Howard (HS/29) picks up the royal palace analogy, considering the gatehouse to have been inspired by Falkland Palace. Following royal example, the Mures were simply transforming their ancient lairdly residence into a Renaissance home, along lines which mimic, on a domestic scale, the palace layout and double-towered frontispiece of major royal works. The result almost certainly alludes to the family's distant connection with the royal family through Elizabeth Mure. Charles McKean sees Rowallan as classic case of "power without ferocity", the "chatelet (or miniature chateau)" added by John Mure, having diminutive ashlar towers of "pantomime scale now exaggerated by outsize classical windows" and serving as "almost a sarcastic commentary upon militarism". Unravelling and re-interpreting the meaning of the evidence presented by buildings such as Rowallan, and presenting it without military prejudice, has allowed its significance to be realised and its qualities to be more precisely appreciated.

4.1.12 A Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) survey in 1986, and the 1998-2000 excavation, have provided a firmer basis for an understanding of the architectural development of Rowallan. However, Geoffrey Stell states that, while the broad lines of architectural development became progressively clearer in the 16th and 17th centuries, for each phase there are both certainties and imponderables, a fact which in turn demands that the entire site be treated with great sensitivity.

4.1.13 Generally, evidence of archaeology and architecture reflects the long association of the Mures. This evidence often provides the only source for documenting the changing resources and needs of the family and their successors, and for demonstrating how these

changes impacted on the family home. The broad lines of architectural development become clearer in the 16th and 17th centuries, but for each phase there are certainties and imponderables, which require the entire site to be treated with great sensitivity. The remains of the tower almost certainly originated in the first recognisable phase in the latter half of the 13th century, but its physical context in the landscape, and the disposition and character of the building ranges with which it was, or became, associated, are not clear. Even within the later parts, which are more recognisable, such as the hall and chamber arrangement of the south range, there are several detectable changes whose precise meaning also remains unclear.

4.1.14 Given these uncertainties, the ability to continue to interpret the available physical evidence is crucial, not just as detailed academic research, but as a means of understanding the nature and purpose of the building. Rowallan is a classic case where architecture and history have been judged - mistakenly - in conventional 'castle' terms, a trap into which the historical notes associated with the CP fall. Its importance is not as a castle *per se*. In its organic growth and design, its carefully wrought details and its internal arrangements, Rowallan represents a precious and delicate manifestation of the life-style of the Mures in their heyday, a family which embodies all that is special about the Renaissance in Scotland.

4.1.15 Many of the very important interiors may date to the late 17th or early 18th century, including the now fragile interiors in the high dining room (some of which survive), the solar (now dispersed or lost but drawn in the 19th century) and on the first floor. The bed screen and the mud and timber, 'cob' partitioning on the first floor are extraordinary survivals of what must have been common features of buildings of the period, but are now among the very few known surviving examples. Documentary evidence for work in the gardens, including planting, also survives from the 16th century. The landscape and gardens still provide the essential setting for the castle, although greatly altered in the 19th and 20th centuries, and add immeasurably to its aesthetic appeal.

4.1.16 Aesthetically, Rowallan is one of the most picturesque buildings in Scotland. It is difficult to find an account that does not describe the frontage as 'picturesque' (Millar, HS/29) or the setting as being in 'a very pleasant situation in a well timbered park' (MacGibbon and Ross, HS/29). The approach is along a tree-lined drive. The castle is first glimpsed through trees, with the narrow and winding banks of the Carmel Water defining its immediate pleasure grounds. The approach culminates in a beautiful, narrow stone arched bridge, and through an imposing rusticated entrance gate into the outer court, bringing the visitor to the foot of the grand entry stair. The east front draws the visitor into the enclosed courtyard, skirted with the north, south, and east ranges, each with a slightly different character and adding interest to the whole. The west side is closed off with a curtain wall, where the initial view is screen by a large yew. Part of the aesthetic is the patina of antiquity and the obvious palimpsest of building phases.

4.1.17 Internally, temporary trailing wires and heaters, inappropriate modern finishes and an overall air of transition, currently mar the aesthetic appeal of the building. Despite that, visitors are impressed by the gigantic scale of one door-case in the dining room, and the delicacy of the other. Few are not delighted by the bed recess in the first floor room; remain unimpressed by the scale of the solar fireplace; or unmoved by the peaceful calm of the upper floor of the 'woman house'. The house is a warren of domestic scale rooms above massive masonry vaults. Being able to see this long and complex history unfold through the cellars, in the rooms and in the nooks and crannies of the building, adds immeasurably to the interest. The internal spaces are, in places, a complex mixture of periods and finishes. Some of the

very important fittings are incomplete and not all are aesthetically pleasing, but are nevertheless of immense historic importance.

4.1.18 The social value of the house is largely bound up with the Mures, with the successive Sir Williams epitomising the polymath culture of their day. They were not only consummate builders, but Sir William who succeeded in 1639 was truly a man of letters. He transcribed the Psalms and recent research into the dating, provenance and importance of a book of lute music has ascribed it to him, and possibly also to his father (Stell, HS/29). The fact that these books were compiled and performed at Rowallan conjures up a domestic lifestyle that adds lustre to a house whose architecture symbolises the Renaissance period. Few other houses can demonstrate such an association. However, the physical basis of that link is both subtle and fragile.

4.1.19 Geoffrey Stell states that, in terms of purely physical evidence, the 'woman house', the 16th-century creation of John Mure, enhanced later in the 17th and 18th centuries as a simple but elegantly panelled room reached by an independent stair, is, as research currently stands, the clearest and oldest example of its genre in Scotland, a room set aside purely for the womenfolk of the household. Like the musical association, such evidence speaks volumes about the social customs and practices with which Rowallan has been associated. Such evidence can be all too easily destroyed, never to be recovered. Rowallan is therefore one of the very few examples of its type to survive, not ruined nor transmogrified. It therefore, presents a precious resource for Scotland, that should be available for the study and enjoyment of all-comers.

4.2 THE BASIS FOR JUDGING THE APPLICATION FOR SCHEDULED MONUMENT CONSENT

Statutory and policy guidance

4.2.1 Mrs Grove states that the legislative requirements and guidance in this context flow from the status of Rowallan as a SAM in the direct care of Scottish Ministers and maintained on their behalf by HS under the DG; it is a Category A listed building set within, and forming a feature of, the designed landscape of Rowallan Estate.

The Ancient Monuments & Archaeological Areas Act, 1979 (the 1979 Act)

4.2.2 The 1979 Act is the latest in a line of legislation that goes back to 1882, for the protection of Ancient Monuments. It grew out of a concern for over restoration of medieval buildings. This concern was expressed in a paper presented to the Royal Institute of British Architects in 1865, which emphasised a duty to secure preservation rather than renewal. The approach of HS (and its predecessors) to SAMs has echoed that sentiment.

4.2.3 Section 1(1) requires Scottish Ministers to compile and maintain for the purposes of the Act, a schedule of monuments. By virtue of section 1(2)(a), all properties in State care which were on the list of Ancient Monuments last published before the commencement of the Act under section 12 of the Ancient Monuments Consolidation and Amendment Act 1913 were included in the schedule of ancient monuments first compiled under the 1979 Act. This includes Rowallan Castle (HS/13). The monument was subsequently rescheduled under section 1(5) of the 1979 Act in 1994 in order to define more fully the extent of the area of national importance.

4.2.4 Section 2 of the Act deals with the control of works affecting SAMs. HS's administrative practice on the handling of SMC applications is explained on page 15 of the 2000 edition of the HS leaflet, "Scheduled Ancient Monuments: A Guide for owners, land managers and others" (HS/14). This was the edition in force when DML's application was submitted, and these were the procedures followed.

National Policy and Guidance

4.2.5 National policies and guidance include "Conservation of Architectural Ancient Monuments in Scotland" (HS/12), which sets out HS policies with regard to monuments such as Rowallan Castle. "Passed To The Future - HS Policy for the Sustainable Management of the Historic Environment" recognises that the historic environment has a wide range of uses for society and seeks to find ways to manage the resource in a sustainable way.

4.2.6 NPPG 5 provides policy guidance for use in the planning system. Paragraph 17 contains guidance for planners on the treatment of SAMs in the planning system. HS endorses that guidance and follows it in its dealing with scheduling. PAN 42 includes advice on the handling of archaeological matters within the planning process and the controls over SAMs. It supports NPPG 5.

4.2.7 BS7913:1998, has been compiled by the British Standards Institute in consultation with a wide variety of bodies including conservation organisations, architects, engineers, town planners and surveyors.

International Policy and Guidance

4.2.8 Although the 1979 Act provides no specific guidance on what is material, policy governing the assessment of SMC applications is drawn from a number of international and national documents relating to the conservation of the built heritage. The charters are of particular relevance in this case since the applicant suggests that its CP "will attempt to determine the cultural value of the heritage asset in accordance with internationally accepted conservation criteria, such as the Burra Charter."

4.2.9 The Valleta Convention (HS/7) is the European Convention on the Protection of the Archaeological Heritage. Article 1 defines the archaeological heritage very widely.

4.2.10 The Venice Charter, which sets out some of the basic tenets of built heritage conservation, is the benchmark for all subsequent conservation charters, and is still relevant today. The Burra Charter builds on the Venice Charter and provides clearer guidance on the assessment of a monument. The Stirling Charter sets out, in the broadest terms, HS's approach to conservation.

Interest and involvement in Rowallan by the State

4.2.11 The history of the State's involvement in Rowallan is critical to understanding the current advice and guidance given to the applicant.

From 1943- 1996

4.2.12 Events prior to the signing of the Deed of Guardianship (DG) in 1950 are summarised at paragraph 4.1.5. The Inspector of Ancient Monuments (IAM) who visited the site in August 1943 made plain in an initial report that "under no consideration whatever should the building be allowed to drift". The philosophy underlying the programme of works identified in a condition report was to preserve and develop what is in existence and remove from it all structural intrusions of late date.

4.2.13 The DG states that "the preservation of the said Castle is a matter of public interest by reason of the historic, traditional and architectural interest attaching thereto has consented to comply with such request and to accept the Guardianship of the said Castle as an Ancient Monument in order to provide for the preservation and maintenance of the same". The primary purpose of the deed is therefore the long-term preservation of the castle. This aim is reinforced by the 1979 Act. The deed also declares that the guardians, "his representatives, workmen and others and members of the public visiting the castle shall have free right of access to the said Castle and surrounding area of ground for foot and vehicular traffic at all times by the avenue leading northwards to Rowallan House". Public access to the castle is regulated under section 19 of the Act.

4.2.14 Works of preservation began as soon as the castle came into guardianship. The major works undertaken over the ensuing decades (listed in HS/24b) were carried out under the guiding principles established and incorporated in the initial report and in the condition report.

4.2.15 Public access was secured by the appointment of a temporary custodian in 1953, essentially as a key keeping arrangement. It was agreed that, because of the major works required to secure the long-term future of the castle, access would be provided, but the monument would not be advertised until works were complete. The key keeping and ground maintenance arrangement continued into the 1990s.

4.2.16 When the major works were almost at an end in the late 1970s, proposals were drawn up for a fully staffed site. That was planned for 1980, but was temporarily put on hold when responsibility for ancient monuments passed from the Department of the Environment to the Scottish Office. The lost momentum coincided with a period of change and financial difficulties for the Rowallan Estate, culminating in a request from Lord Rowallan to consider the inclusion of the castle in his plans to develop the estate. No agreement was reached and the estate was sold in 1989.

4.2.17 The monument was temporarily closed in 1992 to complete repairs. At the same time, discussions were underway with AGL about a change in the Guardianship status of the castle. Prior to the sale of the property in 1996 prospective buyers were advised that HS would not release the castle from guardianship and would move towards opening it to the public; it could not, be used for overnight accommodation. However, DML chose to continue with the purchase (HS/24). In February 1997, HS told the new owners that it would maintain its position confirmed in its letter to the selling agents (HS/28).

From 1997 to the present

4.2.18 On its purchase of the estate, DML indicated its intention to pursue the previous owner's plans for Rowallan. At a meeting with HS in 1997, Mr Campbell was informed that the agency did not see this as the best way to provide for the long term conservation of the castle and that HS was proceeding with its own plans for opening. Plans and a Bill of Quantities that DML had provided (HS/26) were discussed. Mr Campbell was told that they contained insufficient information to provide an informed view upon their impact, and he was given guidance regarding the level of information likely to be required. (HS/28, 23 June 1997) To avoid misleading DML, the guidance concluded "..... The main and often insurmountable problem in such cases revolves around finding ways of fitting the needs of modern plumbing and comfort into a house which was simply not designed for them. Rowallan does provide a particular problem because so much of the interior is particularly fine. These considerations refer only to the conversion of a private house and do not include the additional demands of visitor access that is required of a Property in the Care (PIC) of HS. It is very difficult to envisage fitting out the interior of Rowallan as a dwelling house, while retaining the important architectural features visible for visitors to see".

4.2.19 At a meeting in January 1999, DML maintained that its only option was to reuse the castle as hotel accommodation. It was informed that this was unlikely to be seen as appropriate, but if it wished to continue, the next step would be the submission of an application for SMC. In view of the guidance issued in June 1997, HS did not consider it necessary to respond in writing. However, DML sought an informed response, so one was issued on 8 February 1999 (HS/28). In summary, it stated that:

- it was not possible to assess the suitability of many of the proposals, or to determine an SMC application without further detail. Contradictions between the drawing and

the priced document and the listing of alternatives, left doubts about the nature of the works proposed.

- the impact of the changes had not been investigated or mitigated, and there was no conservator's mitigation strategy for the internal fittings.
- the introduction of services was no more than an intention in the drawings - the routes of water, gas/oil and electricity supplies would need to be shown to allow the impact on the historic fabric of the building and the underground archaeology to be assessed. Flues, liners and outlets, extractor fans and soil and waste vent pipes would have physical and visual impacts, which needed to be carefully considered and detailed.
- there was insufficient evidence for what appear to be conjectural elements of the proposal.
- the provision of modern finishes to historic fabric required more detail. Some of the proposals were non-reversible. The use of cement mortars and renders, intumescent paints, gypsum plaster, epoxy resin, and extensive plasterboard and skim coat finish demonstrated a lack of sensitivity to the building. The impact of the chemical treatment proposed, on the historic fabric and on the bat colony, was not acknowledged.
- recording the fabric before, during or after the alterations was not included in the costings and would form a significant part of the works. Below ground archaeology would be required for the laying of the courtyard damp proof course and the proposed replacement drainage and septic tank.

4.2.20 The letter concluded by reiterating the view that it would be extremely difficult to reconcile the use of the castle as a hotel; and that the level of alteration that would be required would be such that, without pre-empting the Secretary of State's decision, HS considered it very unlikely to gain SMC.

4.2.21 In its reply of 12 February (HS/28) DML stated (in summary):

- that the sketch drawings were only for discussion and it hoped to set up a meeting between the architects to evaluate specific areas;
- full details of service routes would be provided;
- conjectural elements, such as the dormer window, would be no more or less than the recent reconstruction of the roof ;
- A full mitigation strategy would be submitted, and would detail recent work carried out by HS, some of which is abortive (such as the plaster board partitions to the mezzanine, and panelling to the dining room);
- there was no intention of providing inappropriate material, of which there is unfortunately ample example in recent work carried out by HS....";
- some work already carried out by HS would require to be re-evaluated; DML had completed a full photographic study and had done considerable research. The panelling stored in the Lorimer House was being restored.

4.2.22 The outline application relating to the Lorimer House and the estate was granted in March 2001 on the basis of its own economic viability. The current applications for SMC and planning permission are, therefore, the first to be submitted for any proposals that directly affect Rowallan Castle.

Reporters' note: The circumstances of the submission of the SMC application, the response by HS, and the applicant's decision to exercise its right to a hearing are set out in the preamble to this report.

The level of detail required

4.2.23 Mr Wright describes the HS letter of 23 June 1997 as the key advisory document in the preparation of an application for SMC, stating that the requirements it laid down are not unusual. The advice in clause 5 of the letter regarding the appointment of professionals, and in particular a skilled conservation architect, are essential for a monument of this significance and would have been prudent when a proposal might run counter to established policy, and where the CP appears to challenge the ability of the agency to manage the future of the site under the DG. The requirements for satisfying the terms of SMC for monuments such as this are considerably more onerous than those involving solely the repair and consolidation of ruins. The primary reason for this stems from the impact of development on the historic fabric of the monument in order to return it to an earlier, known use or to a new sympathetic use.

4.2.24 The final paragraph of the letter provides a useful indication of the level of information required to determine an SMC application. It stresses that conflicts in resolving the impact of new uses may be insurmountable (and therefore unacceptable) in terms of the potential for damage to the historic fabric. As the return of the monument to an identified use will involve detailed investigation into the effects of services and other areas where compliance with the Building Standards Regulations (BSR) must be satisfied, the level of the submission should equate more closely to that for a Building Warrant stage.

4.2.25 The Royal Institute of British Architects (RIBA) Stages of Work that are used widely throughout the construction industry when commissioning architects. This recognises that design work is carried out at various stages of a project. Work Stage C encompasses the preparation of outline scheme proposals as an initial response to a brief. An application for full planning permission, whether or not works to a listed building are involved, could not be undertaken earlier than Work Stage D. Work Stage E assumes that the approved design is worked up to the completion of all detailed design, and that technical considerations (for example, Building Warrant purposes) have been taken fully into account.

Reporters' note: This line of argument is reported more fully in Chapter 4.3.

Shortcomings of the conservation plan (CP)

4.3.1 Dr Bell describes a CP as a plan for a site's conservation, i.e. having established its value on the basis of an assessment of decay, defects and any other factors that adversely affect this value, a programme of how these problems would be resolved in the proposed work, in the short and long term, should be set out for comment.

Matters omitted from the conservation plan or not dealt with adequately

4.3.2 Mrs Grove explains that, while HS recognises the value of a CP for major schemes, a plan is not required for a SMC application. In this case, DML's plan falls short of the ideals of conservation planning. Information on the following important aspects of the development is either omitted from the application, or is insufficient:

- there are no accurate survey drawings of the castle as it exists or for the proposed works;
- there is no impact analysis on the fabric of the castle or mitigation strategy;
- there are no conservators' reports on the likely impact of the proposals on fixtures and fittings – whether *in situ* or in storage;
- there is no archaeological project design for laying services within the castle, the courtyard, or the major works proposed in the gardens;
- no evidence of prior form is supplied for the restoration of the barn, (a SAM) and no indication of its proposed finished form;
- there are no conservation policies;
- there is no business plan or economic impact analysis to provide information on the viability or need for such a development;
- there is no interpretation plan;
- there is no management or operational plan;
- there is no clear commitment to the level or cost of public access to the castle.

4.3.3 The proposed reuse also takes no account of the known history of the castle, and there is no historical analysis to demonstrate whether a primacy period of 'restoration' is to be chosen. It outlines the owner's wish to return the castle to its original function – accommodation. However, while the castle was built for that purpose, it was for an important family, not for an hotel annex.

4.3.4 As a preamble to his criticisms of DML's plan, Mr Wright states that it can be assumed that a desire to manage change lies behind every CP. In the case of SAMs, there is a presumption against change of use or a return to an original state through reconstruction or recreation, or to a previous known use, unless that can be argued convincingly on grounds of conservation. In such cases, the benefits of preparing a CP may relate to an enhanced understanding of the history of the building and, therefore, a greater awareness of the elements of the fabric to be repaired or consolidated, to reduce the risks of further loss through decay, or for other reasons.

4.3.5 The CP omits the final two sections from the HLF template, Conservation Policies and Implementation and Review, but otherwise follows it. These sections would have indicated how the proposal would be implemented as part of an adopted conservation strategy, and the degree to which that would involve those with an interest in its future. There is also no consideration of possible uses that would flow from the conservation policies, or of a comparison between the past and proposed management as an argument for the new use. These issues are integral to any conservation plan, and their omission means that the plan, and the decisions which are meant to have flowed from it, are seriously flawed. If they had been included, the manner in which the conservation plan would lead to a conservation strategy and a management plan for the site might have been established to be the logical outcome, working through the procedural recommendations laid out in the Burra Charter. Conservation policies are the heart of a CP. Their absence in this case is insupportable, given the extent to which DML's preferred solution can be demonstrated to be damaging to the fabric of the monument.

4.3.6 DML has set out to use the CP to further the aims of its preferred solution, and has been highly selective in using areas considered to be supportive of the proposal, while omitting key sections which are not. Had these been included, options appraisals would have had to be carried out in an unbiased manner leading directly to the preferred solution. The information in the appendices of the report should have supported the need for change, primarily on conservation grounds. However, it fails to do so, as there is no link to the missing conservation policies.

4.3.7 An important part of any CP is the degree to which it would be adopted after widespread consultation. It would have significantly less value unless this has been undertaken. The HLF leaflet (HS/8) states that the major stakeholders in any project must formally adopt the CP and the policies it contains. The applicant should have demonstrated that widespread support for the project would have been forthcoming from several sources, including local community groups and specialist interest groups in the fields of archaeology, architecture and conservation, but there is no evidence of this. The statement in paragraph 2.8, that formal adoption of the CP would alleviate guardianship issues is unconvincing.

Lack of understanding of the building

4.3.8 Although different authors have given varying degrees of significance to the castle, it is an important national asset. The CP appears to devalue its cultural/historic significance. Spaces within the castle are described, but not sufficiently to evaluate the evidence offered by the historic fabric where change is visible in its construction; or through other evidence such as the geology of the stone, architectural detail and the degree to which this can lead to identification of periods of build. The need for balancing documentary research with site evidence is highlighted in the Burra Charter and other guidance. The assessment of significance is therefore incomplete. To arrive at an adequate understanding, evidence of any work associated with the period of known occupation in the 19th century should have been sought and evaluated, although the same criticism would apply to the work undertaken by HS and its predecessors. HS/27 makes the point that not all matters are necessarily of equal significance, and that a hierarchical evaluation is essential, even more where the proposal may involve some adaptive reuse.

While the CP adopts that approach, the way in which it has been done is unreliable and subjective, and the conclusions are therefore questionable.

4.3.9 The evaluation of significance is incomplete without considering the setting of the castle, and the designed landscape associated with it. That has an obvious bearing on the proposal to restore the formal garden, and whether or not that would be appropriate. Without such consideration, in the absence of conservation policies to determine how design work might be undertaken with a historical basis, this element of the application cannot be assessed properly. The significance of the "barn" in relation to past uses associated with the castle, the walled garden, and the form in which this may have appeared in the past, have not been evaluated. The CP ought to include policies determining the basis upon which reconstruction might have been appropriate, on grounds of the conservation of the remaining fabric.

4.3.10 The rendering of the elevations of the building (or at least those which have been prepared) would not appear so impoverished if the designers had appreciated the architectural pretensions of the monument. Two of the key windows to the east of the entrance on the principal elevation have been missed out altogether. Other windows are of the wrong proportions. Highly distinctive architectural carved details - decorative finials, rope mouldings, armorial panels, decorative apertures, carved stones, inscriptions to battered skewers giving the history of the building in stone, carved lintels and buckle quoins - are not shown.

4.3.11 Mrs Grove states that section 3 of the CP uses secondary sources and takes little account of modern scholarship in this field of architectural history: for example: -

- it misinterprets the current perception of the development of castellated architecture, the Scots description of a 'laigh hall', and the gunloops as arrow slits, and uses this evidence to support an earlier date for the vaults that may otherwise be reasonable;
- the 'jettied' chamber over the dais end of the hall would be very unusual if not unique, albeit a possibility;
- the evidence for the extent of the original hall is inconclusive;
- the date that the present entrance to the south range was inserted is put in the 16th century; it is at least possible that it is part of the 17th century reworking of the range.

Inadequate assessment of significance and heritage merit

4.3.12 The use of the Burra Charter has been carried out inadequately. The Statement of Cultural Significance fails to give status to the values for which Rowallan is admired. Of the 13 possible headings suggested by the HLF for the assessment of significance, section 4 analyses only two: architectural merit and historical associations. The section on architectural significance downplays the castle and provides a very selective view of the site. It provides no parallels for judging Rowallan, or for setting the context for its significance. Other than the twin towers, it fails to mention what provides the significance. Although the longevity of the site is acknowledged, no consideration is given to any individual elements. Three tables summarise the assessment of significance and provide numerical values for different aspects of importance. Table A states that this

“assessment of the Castle as a whole has been carried out in terms of the Burra Charter, but the application of values appears to be DML’s own. The headings do not correspond with those in section 4, and there is no explanation of how some of the values are arrived at. A total mean value of 2 does not correspond with the monument’s national importance. The criteria in Table B (Heritage Value-The Structural Components of the Castle) are also not assessed in the narrative of section 4, and it is difficult to understand the relative values assigned to some components. The assessment of interpretational potential is unsupported, as there is no interpretation plan. Table C lists the level of intervention acceptable for the assessments in the previous two charts, but provides no conclusions and no conservation strategy.

4.2.13 The applicant does not assess the spatial relationship between the very important public rooms and the more private ones. The insertion of a major bedchamber over the hall alters the balance of the importance of spaces. In addition, the conjecture needed to detail and furnish the building and the provision of modern services would detract from an understanding of the living conditions and social circumstances of the Mures when they occupied the castle. A confused image would emerge. In not selecting a primacy date for the refurbishment, the proposal cannot shed light on life in a house that has been described as the epitome of Renaissance Scotland. While different periods of history, even the present, can be assigned different values, this has to be considered very carefully. In this case, the SAM is the best ‘use’. Preservation in its present state is justified on the basis that habitation had been interrupted, in itself of interest culturally. It would also enable future generations to decide whether change was acceptable. That said, the building has altered over its lifetime, reflecting the changing circumstances and culture. A new proposal that increased its cultural significance could be countenanced, provided that its archaeology was not confused.

Analysis of the building fabric

4.2.14 Section 5 of the CP defines issues, following the HLF guidance, but again is selective. The assessment of the structure acknowledges that the building is not in structural danger but confirms that a full structural survey was not carried out. The analysis of the external stonework, structural timber and joinery are superficial. The timber assessments do not explain the environmental controls needed to care for very rare fixtures and fittings. There is no report on the panelling stored in the Lorimer House. Section 5.1.6 describes the paintwork in the private chamber (22) as a surviving early decorative scheme. Since at least part would have been behind the oak panelling it must be assumed to survive from the 17th century. If the paint is so early, a paint conservator’s report and an analysis of how it is to be preserved should have been presented.

Incompatibility with status as a SAM

4.2.15 Section 5.9 of the CP outlines areas of conflict. It suggests that the castle should remain both listed and scheduled. However, section 1(4) of the 1979 Act makes that impossible. Since an hotel requires people dwelling, it cannot be scheduled. Section 5.9 of the CP suggests that a third party should administer oversight of the SMC, an obligation that the 1979 Act reserves for Scottish Ministers.

4.2.16 The most immediately obvious effect of the proposal would be to change the castle, once the centre of a considerable barony, into an hotel annex subservient to the later Lorimer House. That course of action is based upon a partial understanding of the historical, social and aesthetic value of the monument. As a result the proposal runs counter to:

- Section 17 of NPPG 5
- Articles 2 and 4 of the Valletta Convention
- Articles 3 and 19 of the Venice Charter
- Articles 2, 5, 11, and 17 of the Burra Charter
- Paragraphs 6.2.1, 6.2.2, 6.3.1, 7.1.2 and 7.3.2.1 of BS 7913:1998, and
- Paragraphs 2.1, 2.3, 2.7 and 16.3 of the Conservation of Architectural Ancient Monuments in Scotland.

4.3.17 Under the heading Understanding the site – Survey, the CP attempts to shift the burden of providing accurate survey information onto HS. However, the recent HS survey was commissioned to aid the interpretation and conservation of the site; not to show the impact of development proposals. Accurate survey drawings are vital to understanding. It is only by the close involvement of conservation professionals in analysing the building that they can gain a proper understanding of its complexity. HLF guidance stresses that, without this experience, inadvertent damage can result.

Incompatibility with open public access

4.3.18 Appendix 2 of the CP, the Methodology Statement, is stated to provide a framework for how the conservation work would be completed, so as to provide successful access to the public. However, the Appendix only lists the works to turn the castle into an hotel. There is no management or operational plan to show how the conflicting needs of hotel guests can be married to those of tourists. There is no interpretation plan, nor is the statement explained that there would be “public admission to the whole of the estate and with rights of admission reserved to the public to the Old Castle, albeit restricted”. There could be a positive private role, but not with habitable use, and the combination of private accommodation use and public visits would be unworkable in practice. All in all, there would be a loss of the potential for public access, in respect of which the DG provides unfettered rights, limited only by the management provisions of Scottish Ministers. HS can and will resolve the current access difficulties legally. Accordingly, DML’s proposal runs counter to:

- Tourism and enjoyment in Passed to the Future;
- Article 14 of the Venice Charter; and
- Article 9.ii of the Valletta Convention.

4.3.19 Having accepted in cross-examination that a condition requiring a revised CP to be produced before SMC was granted would be perfectly acceptable, Mrs Grove states that, upon further reflection, a CP should be produced before a proposal for works is drawn up. The type of condition being suggested could result in a different proposal, and require a fresh application for SMC.

HS criticisms of the works proposed in the SMC application

4.3.20 HS criticisms of the works proposed in the SMC application are under 4 main headings:

- Lack of information.
- Inconsistencies in the information provided, which lead to doubts.
- The effects of the proposed use and non-specified work that would inevitably flow from them.
- The building is not at risk and extensive work would go beyond the principles of minimal intervention and reversibility.
- Uncertainty regarding the future.

Lack of information

4.3.21 The Methodology Statement states that work is "to be at all times reversible and in line with the general requirements given to the applicant by HS in 1992/95/97". There has been a sea-change in conservation philosophy since 1992, and adherence to the very broad and basic guidance offered then (44 in DML/2) would no longer be considered sufficiently detailed to support an SMC application. However, even that has not been fully complied with. The guidance given in 1997 provides a list of objectives, almost none of which has been followed either. The CP states that "Each proposed alteration to the fabric has been listed and described elsewhere in this submission (see architects report) and in every instance the conflict between preservation and alteration is discussed in the light of the conservation policies set out below and a justification offered for the alteration" However, an "architects report" has not been produced, and the CP has no conservation policies. The Method Statement does not set out the method to be employed in any of the given list of actions. In places it is inconsistent with the works outlined in the Robertson Design plans and with the Bill of Quantities.

4.3.22 Mr Wright concludes that the proposal, including the latest drawings, would only go as far as Architects stage C (outline), whereas a more detailed submission to stage E is called for. While the 1979 Act does not specify a standard for SMC applications, the appropriate standard would be informed by the charters. The details of the conservation team would also be a material consideration in assessing an SMC application, because of their ability to carry out risk evaluation. No sections through the building or elevations of the courtyard have been provided, although the latest drawings indicate that changes to the fabric are proposed to this area. The fact that the latest drawings differ from the earlier ones compounds the problem of assessment. In summary, the technical submission provides no comfort that the effects of the scheme would be anything other than damaging to the SAM. It would be inappropriate to grant SMC subject to conditions. Although the text in the introductory section comes closest to setting down conservation policies, the remainder could more properly be termed a description of works. However, even in that form, it is deficient, giving inadequate descriptions of the proposed works without evaluating their true effect on the archaeology. In many cases, the statements contradict information contained in other parts of the submission.

4.3.23 Room functions are not clearly stated on the plans, and there is little evidence of the finishes proposed, or of the furnishings to be installed. Failure to identify a period of greatest significance would be misleading for visitors. The Reporter at Castle Tioram found there that "the proposals for reconstructing the castle would, if implemented, produce a building which does not reflect any known form"... and that... "the partial presentation, at limited times, of a reconstructed castle, that would be in part conjectural and therefore potentially misleading, would be likely to misinform the public". The same issues also apply in this case.

4.3.24 There are no complete plans showing drainage and service runs either inside or outside the castle. The indicative diagrams that have been provided do not provide adequate information on the provision or location of manholes and inspection chambers to allow the full archaeological impact of the drainage to be assessed. There is no archaeological project design for the work. The Methodology Statement advises that the whole of the property is to be redecorated, but no clues are given as to how this may be approached on conservation grounds. No conservator's reports are offered in respect of the current condition of the highly significant stone carvings, which are misrepresented on the drawings. DML may consider that the work begun by HS would simply be completed without regard to the ongoing risks from decay and continuing maintenance, but issues such as this should have been developed in a conservation strategy and management plan for the site - a failure arising out of an incomplete CP.

4.3.25 The perspective sketch indicating how the original panelling might be refixed, based on claimed documentary evidence, is unrelated to the room where it is proposed. An experienced conservation architect would have supplemented this proposal by submitting detailed survey information of the existing panelling, and of the wall elevations for the room. This information would have been supplemented by wall elevations showing how the individual pieces would be reassembled, the proposed method of fixing, and the potential for restoring lost or damaged features. The relationship with the other features of the room would also need to be established, and the original arrangement may not be possible to replicate due to the need to frame out the external walls for insulation. These comments also apply to the perspective drawing of the restoration of the finishes to room G10 (22), intended to match the MacGibbon and Ross sketch. Although there is good evidence to support the reconstruction of this space, the room could be interpreted without resorting to reconstruction, and the risk of destroying evidence. On the assumption that a relaxation of the Building Standards (Scotland) Regulations would not be forthcoming for the treatment of the external walls to achieve insulation standards, the 19th century sketch would be impossible to reproduce. A structural tie-rod has been omitted from the sketch, implying that structural measures would be needed to overcome the risk of ongoing movement in the external walls at the south-west corner. That matter has not been addressed.

4.3.26 Meeting BSR requirements for means of escape can be far-reaching, and destructive to the retention of original features in historic buildings. The principle of "trading off", by relaxing one area in which the regulations would normally apply, means increasing provision above the minimum standard in another.

4.3.27 The rebuilding of the barn and work to the perimeter wall could have a considerable impact on views to and from the castle. The contention that the woodland

belts around Rowallan Castle would remain unaltered, and that it would effectively screen the site from activity elsewhere in the landscape is not supported in the findings of the previous Rowallan inquiry; the Reporter found that “the evidence indicates that the proposals would have an adverse effect on the setting of the SAM”.

4.3.28 The proposal requires the excavation of the garden for reinstatement, the barn for restoration and the laying of services. No project design is supplied and the application suggests a non-qualified supervisor (HS foreman). This runs counter to paragraph 17 of NPPG 5, Articles 3 and 4 of the Valletta Convention, and paragraphs 2.1, 2.2 and 14.5 of the Conservation of Architectural Ancient Monuments in Scotland.

Inconsistencies between the Bill of Quantities, the Methodology Statement, the Conservation Plan text, and the drawings

4.3.29 The documentation accompanying the application is also inconsistent. The supplementary drawings “amplifying” the proposal, although intended to clarify certain matters of detail, are unrelated to information submitted previously, and reinforce the view held that the earlier design has not been developed. An SMC application should not be a moving target. As further design work is likely, particularly in relation to compliance with the BSR and other legislation, the SMC application is premature. In some areas, inconsistency or lack of clarity make it unclear what works are proposed. The external elevations (drawings 055/05-07) are inaccurate and do not portray the aesthetic impact of the proposed harling. Once the building is fitted out to comply with BSR and the surviving masonry covered with plaster (and harl), almost every surface visible would be new. The impact on the significant timber of increasing temperatures to levels that guests would find comfortable is not assessed, nor is mitigation provided. These factors make the costs in the Bill of Quantities meaningless.

Potential non-compliance with the Building Standards (Scotland) Regulations and other legislation

4.3.30 Evidence on this topic was given by Messrs Wright and Wallace. The evidence of Mr Wallace was based on his report (HS/17), which considers change of use to an hotel. He agrees that if the use was not an hotel, his findings would have to be reviewed. However, as EAC planning officials had considered the proposal as an hotel, it was reasonable to expect its building control officials to do the same. In any event, whether it was an hotel or some other form of residential accommodation, the proposed use would fall within the Building Standards Group 2B, whereas the present use (sic) is exempt. The building would therefore be coming within the BSR for the first time, and into one of the most onerous occupancy groups.

4.3.31 EAC would grant a building warrant only if the proposal complied with the relevant part of the Regulations, and a Completion Certificate would be given when the work was completed. If it was concluded that it would be unreasonable for the proposal to fully comply with the Regulations, a relaxation might be granted. Any relaxation is always conditional, based on the reasons given by the applicant for being unable to comply, and HS would be consulted. For an application for building warrant to be successful here would require major alterations to the existing structure and would rely

heavily on the granting of numerous relaxations. That would transfer the onus of life safety onto EAC, who would be unlikely to take that responsibility.

4.3.32 An assessment of DML's plans reveals a number of areas where the proposal would be in contravention of the Regulations, such as fire precautions and means of escape. If the Building Control officer visited the building prior to an application, an imaginative scheme could be devised to meet the Regulations, although the constraints of a SAM could make compliance difficult. Insulation standards have recently been enhanced, and the external walls would need to be upgraded beyond the level that can be deduced from the applicant's drawings and other documents. That would have adverse effects on the appearance of the external walls, which would require to be framed out and lined, introducing new risks in relation to how these finishes would be supported.

4.3.33 Although it is not clear how many overnight guests may be accommodated, it would be fair to assume that compliance with the Fire Precautions Act 1971 and the issue of a fire certificate would be required. These standards can be more onerous than those in the BSR. The letter from the Assistant Firemaster is not conclusive regarding compliance.

4.3.34 Sound transmission would be a problem throughout the property. Acoustic separation is best provided by weight of materials, and traditionally separating timber floors achieved this through the introduction of sand, lime or ash deafening. With the use of lightweight materials this would not be possible, and to have to introduce these measures would cause substantial disturbance to the fabric, with the consequence of them affecting services routes. It is doubtful that the floors would have been designed for this additional loading.

4.3.35 Mr Wright states that there is very little in the applicant's specifications to suggest that the work is other than of an ordinary domestic nature. The descriptions give an indication of the degree to which internal surfaces would be relined, but that would increase once the implications of BSR compliance have been thought through. The fabric of the castle would have to be altered drastically to comply or the local authority would have to grant numerous relaxations that would transfer the onus of life safety on to them. Compliance with the Disability Discrimination Act 1995 might also be a difficulty. Although the building's status as a SAM would be a consideration, an audit would be required, and then this would be used as a test of reasonableness, possibly in court.

4.3.36 All of the above considerations place the building unnecessarily at risk as a consequence of the intended change of use and go beyond the principle of minimal intervention and reversibility adopted by Historic Scotland.

The installation of modern services

4.3.37 Mrs Grove states the castle would be an hotel, fitted out to modern standards of servicing and comfort. The insertion of modern services is clearly not a conservation requirement and would come into conflict with:

- Section 17 of NPPG 5

- The principle of minimum intervention which underlies most international conservation charters
- Article 13 of the Venice Charter
- Article 3 of the Burra Charter
- Paragraph 7.1.2 of BS7913: 1998
- Paragraph 2.1, 2.2, 2.5 and 16.2 of the Conservation of Architectural Ancient Monuments in Scotland, and the Introduction to the Stirling Charter.

4.3.38 Mr Wright states that service trenches would affect the archaeological resource, although there is insufficient information to draw firm conclusions as to the likely impact. In addition to the services outlines on the block plan, electrical supplies might need to be upgraded, and telecommunications cables and fire hydrants provided. The location of the septic tank has not been shown, nor how it would be serviced.

4.3.39 The ground floor plan shows a single boiler in the basement, whereas the heating layout drawing suggests that two boilers would be squeezed into this small area. The boilers would require air intakes, and even balanced flues would have a considerable impact on the window opening on the north elevation. Means of providing gas governors and meters and incoming electrical boards are unclear. The space allocated for heating equipment is likely to be inadequate for the proposed system. As the rooms above G17 (18) and F17 (47) would be used as the mains riser, several large diameter vertical pipes would need to be accommodated, leading to the distribution network within the intermediate floors and roofspace. Planning the proposed shower and WC layouts within such small spaces would be difficult.

4.3.40 As extensive excavation would be needed in the courtyard to accommodate the drop manhole, section drawings showing the profile of the manhole shaft in relation to wall footings, and the relative invert levels of soil drainage pipes, would need to be established for the purposes of the application. Wall footings could be at risk from deep excavations. A new connection is made from the sanitary fittings within room G13 (19), but a further manhole would be required at the junction with the main drain within the courtyard for rodding purposes - a slow bend would not be possible here due to the obstruction of the corner of the stair tower, adding risk to the underlying archaeology.

4.3.41 The reference to sani-flow piping (item 2) is explained more clearly in the note attached to the first floor plan drawing, which refers to "electrically operated pump/macerator to convey soil by way of narrow diameter pipework...". These systems tend to be specified where the provision of full bore gravity soil and vent pipe systems cannot be accommodated because of the constrictions of the structure. They are not a good choice for hotels as small quantities of water passing through the system are sufficient to activate the macerator and pump which, in a quiet location such as this, would be unacceptably noisy and at odds with an establishment offering a high standard of accommodation. If it was installed, it would probably have to be stripped out and adapted to an orthodox system, increasing the risk to the fabric.

4.3.42 The first floor plan marked up by the heating engineer suggests that a considerable amount of flow and return pipework serving radiators would be passing through

intermediate structural floors. That would have a dramatic effect on the fabric. Floor boards would require to be cut, lifted and replaced so as to allow access in the future; drilling of floor joists and beams must be undertaken with the attendant risks of loss of strength, or require strengthening by steel plating or by other means. The fabric may be too fragile for this level of intervention, and bears no relationship to "minimal intervention". The risks would emerge again when the whole system would require to be renewed - generally after 30 years, but probably less for a commercial establishment. Disruption caused to lined out finishes at that time would also be dramatic.

4.3.43 The specification assumes that radiators would be standard pressed steel to a basic specification. As these are unlikely to be appropriate for a building of this significance, radiators may have to be purpose-designed and sized. However, the dry system now being considered may have a lesser impact overall. Nevertheless, there are no allowances for towel radiators in bathrooms. Notwithstanding concerns over the appropriateness of the radiator types, the locations shown on the marked up layout drawings in areas where they would be affixed to historic panelling gives cause for concern. The drawings suggest that a radiator would be introduced to the same wall area as the reinstated panelling in room G10 (22). The radiators shown in room G16 (17) would be harmful to the panelling - both in performance and appearance - with the attendant risk of uncontrolled desiccation of the woodwork. While 'conservation heating' could be compatible with 'comfort heating', the change of use would necessitate inherent fluctuations that would then create incompatibility. There was no curatorial report and concerns remained regarding preservation of delicate fabric such as panelling, doors and ironmongery, and the cob partition.

4.3.44 There is similar concern regarding electrical installations and circuitry, which may be subject to more regular upgrading than the piped water systems. Security systems can require regular upgrading, as can be fire detection and communications systems e.g. satellite or cable TV. Again, cableways hidden by lined out surfaces would require access, with the risk of more widespread disruption.

Wear and tear on fabric from proposed use

4.3.45 Use as an hotel annex would have the potential to cause more damage to the historic fabric than use as a private dwelling. While guest numbers might be less than the visitors suggested in the HS management plan, the manner of the use is critical, namely uncontrolled occupancy compared with the organised procession of visitors, which could be limited if necessary. Hotel guests would have high expectations of the standard of accommodation associated with the privilege. The fabric would be subjected unnecessarily to the risk of heavy use, and even occasional abuse. That said, with monitoring and HS control and scheduling, an alternative use could be a possibility, albeit that difficulties would remain.

4.3.46 Hotel accommodation imposes demanding requirements in terms of the provision of services. The demand for instant hot water in large quantities, calls for a relatively sophisticated boiler and distribution system. Although draft layouts have been provided for piped water, heating and radiator positions, and drainage, there are no layouts for electrical installations - power, lighting, choice and position of light fittings, telecommunications (including TV), fire detection, containment and distribution. These

would all have a considerable impact upon the fabric, and would bear no comparison with the present minimalist surface provision, which is generally loose fixed and reversible. A new installation of this complexity would involve the careful pre-planning of cableways, and there are bound to be conflicts with structure and historic finishes.

4.3.47 Bathrooms would be required to a high standard, with towel rails and surface finishes to prevent the transfer of moisture to the underlying fabric. There is an inevitable risk of water spillage and overflowing of drainage pipes. Showers and baths would increase moisture to a level unlikely to be overcome by natural ventilation, in the limited cases where that might be provided. The impact of providing artificial ventilation has been illustrated only in part. The effects on the fabric of the high temperatures associated with these spaces, coupled with fluctuating moisture conditions, have been underestimated. The risks to the highly significant partitioning to room F7 (41) have been only partially addressed.

4.3.48 Although the applicant has indicated that the annex would not be used for dining, functional requirements would still have to be satisfied, assuming that a level of sophistication would be offered to discerning guests. Possible issues that have not been addressed include luggage collection, distribution and storage; linen storage, collection and disposal; clothes storage; clothes drying; room cleaning (dedicated sinks) and storage of cleaning materials and equipment; refuse collection, and general storage for consumables. Staffing implications would also be likely to have an effect on room planning, fuelled by compliance with employment legislation.

4.3.49 The way of dealing with security issues in terms of retaining historic ironmongery and new or replacement ironmongery is not indicated. Locking systems would have to be introduced, even for use on a "house party" basis. Overhead door closers would be needed to satisfy requirements for means of escape. Given the vulnerability of the fabric, a door and ironmongery schedule ought to have been supplied with the application so that the full impact of the proposal could be determined with certainty.

4.3.50 All in all, it would not be competent to grant SMC on the basis of the information that has been provided, which is insufficient to reach an informed view on the physical effects of the scheme.

The works would go beyond the principles of minimal intervention and reversibility in a building that is not currently at risk

4.3.51 Dr Bell states that, given Rowallan's national importance, physical and functional change can be justified only if there is no other way of protecting the structure, i.e. if it is necessary for the conservation of value. While HS does not have a limitless budget and work on SAMs is prioritised, guardianship implies the best technical care possible, under the most stringent and expertly supervised conditions, and for the benefit and use of the site by the public. Any change would imply a decline from these optimal conditions. DML's proposal would not only significantly restrict public use, but would also give rise to unnecessary intervention, which cannot be considered minimal. It is not directed at removing risk to value, since no significant risk under its present management has been established or suggested, nor is it directed at planning for the site's short and long-term

conservation. Rather it serves only DML's interest, at the expense of the building's fabric and the public good.

4.3.52 Mr Wright confirms that where a building is perceived to be at no risk, doing nothing would be consistent with minimum intervention. Even on a limited understanding, it is incumbent on the author of a CP to state clearly the degree to which the historic fabric, or the heritage site itself may be vulnerable, or at risk. DML's CP fails to make the case for the monument being at risk. That said, it is conceded that as a starting point, a CP does not require a building to be at risk, although any proposed use should still be the most appropriate for conservation purposes. Unlike some other monuments, Rowallan is scheduled, and therefore of national significance. As a monument in guardianship, it achieves the highest level of protection. This is afforded not only through legislation, but internal environmental conditions are carefully monitored to create the least risk of damage to the historic fabric, under the auspices of HS conservators. The exterior of the building is subject to a programme of regular maintenance and sympathetic repair.

4.3.53 While some work has been badly done under the auspices of HS, for the argument - that it would be damaging if allowed to continue - to succeed, acknowledgement would be needed that with ancient monuments, there is always a presumption against physical change, (based on conservation philosophy rather than legislation), and that only the minimum work necessary should be done. The CP does not contain such an argument, and accordingly no cogent mandate for the level of change and intervention being proposed. It would have been straightforward to have included an assessment of risks in Section 5, based on the schedule of works in Appendix 3. The CP's statement that a detailed specialist survey should be undertaken of all structural timber and joinery implies that the timber must be at risk, but there is no evidence that the fabric has been inspected in order to quantify that risk, or of the degree to which it is affected by boring insects or fungal attack. The only quantified risk to which the historic fabric may be claimed to be vulnerable is in respect of the timber in the bed recess to room F13 (42), but no certainty is offered as to whether the perceived risk is real. To illustrate the point further, in following the HLF guidelines, the author has considered "access" (5.8) and "areas of conflict" (5.9). However, the HLF template intersperses these issues with "statutory controls" which have been omitted. If that had been addressed adequately, it would have shown that satisfying statutory legislation for the intended use would place the historic fabric of the monument at considerable risk of intervention, more than any other residential use.

4.3.54 Arguably the author of the CP reserves greatest concern for the future of the monument from management frictions. If the case for the vulnerability of the fabric has not been put comprehensively (which it would need to be if DML's proposal was to overcome the risks) then, conversely, the conflict over access would prevent HS from continuing with the maintenance from which the property appears to have benefited in the past. The section defining vulnerability should have been followed by conservation policies to guide the preferred solution on conservation grounds. Having previously followed the guidelines closely, the clearly defined and logical format for a CP has been discarded at this stage. Conservation policies are, after statements of significance,

notoriously the most difficult section of the document to write, requiring a skill based on a sound understanding of conservation principles and philosophy.

4.3.55 Mrs Grove notes that DML's proposal, while going to great lengths to minimise disturbance to masonry, involve considerable conjecture. While "minimal" intervention can still be extensive and significant for a site's value, in this case the interior fittings and decoration would be a mix of original, entirely conjectural, and clearly modern. In the two latter cases, the authenticity of the building would be severely compromised. In damaging this integrity, the proposal runs counter to:

- Section 17 of NPPG 5;
- Article 9 of the Venice Charter;
- Articles 1.8 and 11 of the Burra Charter;
- Paragraph 7.3.2.1 of BS7913:1998;
- Paragraphs 2.13 and 16.2 of the Conservation of Architectural Ancient Monuments in Scotland.

4.3.56 The castle is at no risk, major works of conservation are almost complete and HS has laid out a clear works and maintenance programme for the future. DML's proposal represents considerably more than is required for the purposes of conservation. In taking this approach the proposal runs counter to:

- the principle of minimum intervention which underlies most international conservation charters as set out in the HS guide to International Conservation Charters;
- Article 4 of the Valletta Convention;
- Articles 3, 5, 11, 14, 17 and 21 of the Burra Charter;
- paragraph 7.3.2.1, 7.4.1 of BS7193: 1998;
- paragraphs 2.1, 2.2 and 2.5 of the Conservation of Architectural Ancient Monuments in Scotland
- assessing impact in HS's statement on sustainability, "Passed to the Future".

4.3.57 A CP must be driven primarily by a conservation agenda. Article 3 of the Burra Charter prescribes a cautious approach. Other than the repeated assertions by the applicant that the proposal would incur "minimal intervention", there is nothing in the CP that follows this guidance. That said, respecting significance can be achieved other than through minimal intervention, but too much intervention can devalue significance. In this case it was a direct result of a fundamental lack of understanding of the purpose of a conservation plan and the manner in which the information requires to be presented.

4.3.58 Examples of non-minimal intervention in the CP include:

- the Bill of Quantities includes for dry lining the walls and ceilings of many of the rooms with plasterboard. This cannot be interpreted as minimum necessary for the conservation of the building - rooms F13 (42), F6 (35), F14/15 (44-45), F7 (41) and G13 (19);

- paragraph 2.2 states that 'internal finishes (especially wood and plaster work) should be retained in their current state – though painting of plaster work, and minor repairs would be acceptable.' However, page 9 of the Bill of Quantities states that the applicant would "carefully strip the paint from plaster/timber panels". This would remove any evidence of earlier paint schemes, a vital part of the archaeological evidence of the house.

4.3.59 The General Statement continues by claiming "there will be no physical alteration the building other than the introduction of 2 cast iron roof lights,...and three 75mm pipe ducts cut through internal mortar joints of the existing fabric. All pipe runs will be concealed within the roof space and dropped down, surface mounted to all new appliances and/or behind new/existing stud work. Electrical runs and switching will follow existing wiring chases already cut by HS". Any experienced conservation architect would be aware that this statement is, at best, premature, since no detailed plans have been provided and, at worst, a disingenuous attempt to minimise the impact of the proposal.

4.3.60 Notwithstanding the verbal agreements that may have been entered into at some stage in the past, in respect of the re-use of the property as a dwelling house, Mr Wright does not consider it would be acceptable to strip out the bed recess timber from room F13 (42). That is necessitated by the proposed change of use. The significance of the object is devalued if it cannot be retained *in situ*. The suggestion that a cornice should be re-introduced to room G10 (22), and that it should replicate that in the adjoining room G11 (21), should properly have arisen out of a conservation policy based on sound evidence. If there is no such evidence, a cornice would confuse history. It would be highly inappropriate to introduce a wood-burning stove to room G10 (22), on aesthetic and physical grounds. Such stoves are notorious for causing chimney fires, and unhindered access for regular cleaning is required. Enclosed appliances may require a soot box built into the external wall which would be unacceptable here. Chimney fires can cause structural damage due to high temperatures. The ability to upgrade the flue by relining, which would be essential for this type of installation, would be very limited.

4.3.61 The character of the monument would change substantially and would be disguised by materials with no relationship to the traditional materials and techniques from which it has been constructed. Reinstated panelling would be surrounded by materials of regular pre-manufactured profile, such as gypsum plasterboard. To then coat this material in a dissimilar, thin lime based plaster would be a misunderstanding of the nature of the construction. The stair wall would be rendered in steel-trowelled (rather than wood-floated) cement-based mortar, which would be unacceptable visually, unsympathetic, and potentially damaging to the underlying stone. There is uncertainty over the mortar mix, quoted as lime mortar in the proportions of 1:1:6, which is unrelated to pure lime mortar, and applies to cement-based mixes. Cement mortars are now outlawed in conservation work because it is historically incorrect and stronger than lime. There is no obvious connection (as there should be) with the findings of the mortar analysis, reproduced in Appendix 1. Perhaps the most radical proposal, the re-harling of the entire building, is absent as a conservation policy.

4.3.62 There would be considerable risks from burst water pipes from frost damage as a result of pipework passing through un-insulated and unheated voids and spaces.

Electrical trace heating, which might reduce the risk, would not work in power failures unless a generator is installed. While the CP acknowledges that the roofspace would need to be insulated, there is no recognition that rooms identified for habitation occur over unheated spaces. These include the principal ground floor rooms G10, 11 and 12; and rooms F6-F11 on the first floor. The imposition of more onerous standards of insulation in recent amendments to the BSR means that intervention to the fabric would have to be considered, to offer even a token improvement in a structure that has no insulation. That could result in considerable disturbance and damage.

4.3.63 The 2 rooflights above the rear wing (no roof plan is provided for the remaining parts of the property) would be purely a function of the proposed use. There is no justification in citing the single rooflight introduced by HS above the stair as an argument for this level of intervention. Again there is some confusion in the information presented; it would be reasonable to assume that one of the rooflights serves the proposed new bathroom, but the revised layout shown in the larger scale drawing suggests an internal layout without natural light and with artificial ventilation.

4.3.64 The note on the second floor plan in relation to the gallery A2 (49) specifies roof insulation sandwiched between the sarking boards and a new lined finish between the rafters, illustrated in a perspective sketch. The acknowledged condensation risk is intended to be overcome by maintaining a ventilation gap above the insulation. However, that would increase the thickness of the added construction, which would appear totally different to the impression conveyed; the sketch suggests that there would be virtually no visual impact on the apparent depth of the rafters. Moreover, the new insulation standards would be likely to exacerbate this conflict.

4.3.65 The supplementary drawings indicate that thought has been given to building partitions that are substantially freestanding. There are references to the need to fix linings supported by timber framing with minimal support to the substrate, mostly brick or stone. This would reflect the realisation that in most areas where space planning is tight, there is insufficient room to accommodate the sanitary ware shown on the layout drawings. The suggestion that this can be achieved readily by timber dooks within the existing mortar joints fundamentally misunderstands the nature of the original construction and how this would have been achieved in the past. To insert timber grounds sufficient to accept nailed fixings would cause untold damage to the historic mortar and disrupt either the brick or the stone. In addition, freestanding partitions around the room F7 (41), intended as a protective lining, would damage the partitions through vibration.

Reversibility

4.3.66 The disturbance and addition of modern finishes to the historic fabric that the proposal would require, are not, in any practical sense, reversible. They therefore conflict with the principle of reversibility which underlies most international conservation charters as set out in the HS guide to International Conservation Charters (HS/5) and paragraphs 6.2, 8.4, 8.11, 8.13 and 11.2 of The Conservation of Architectural Ancient Monuments in Scotland (HS/12).

Uncertainty of future ownership/responsibility

4.3.67 Section 5.4 of the CP confirms that HS has sufficient resources to undertake the long-term preservation and presentation of Rowallan Castle. However, the plan provides no details of DML's proposals for funding, no financial appraisal and no economic impact assessment. The proposal for a family trust could result in the castle falling under different ownership/management to the hotel in the Lorimer House, and/or to the remainder of the estate, and could result in management and conservation conflict. While resources are not a matter directly relevant to the granting of SMC, the Reporter in the Castle Tioram inquiry stated "In the event that Ministers are minded to grant SMC, I anticipate that they would wish to satisfy themselves as to the standing of the applicant and the security of the funding for the project, whether in whole or in part."; and that "... the promise of funding in relation to the proposal should not, of itself, render the proposed works meritorious".

4.3.68 DML's Statement of Case, at paragraph 8, states that "DML will demonstrate its requirement for an independent revenue centre at the castle, akin to that found at Culzean Castle". It is not clear why the applicant would have a "requirement" for earning revenue; and there is no business plan that could substantiate such a requirement. In any case, while the castle remains in state care, its financial future is secure. Furthermore, while the applicant may require a source of funding, the monument could not sustain such a proposal. Culzean Castle and Rowallan have significant differences in layout and access that make direct comparison impossible. Culzean is, essentially, a single period house on an entirely different scale to Rowallan.

Lack of co-operation

4.4.1 Mr Watkins states that a change of HS policy took place between 1992 and 1997. Early discussions regarding the change of use of Rowallan coincided with pressure on the State to review its property portfolio, for economic reasons.

4.4.2 Mrs Grove maintains that HS had engaged in a dialogue with representatives of DML since 1997 regarding its proposed use, the works that would be required, and the format and level of information need for an SMC application. Mr Campbell states that, following changes in policy, he was given the impression that previous indications of approval for a change of use would no longer be supported without considerable thought as to how those changes could be incorporated harmlessly. Discussions culminated with the minute of 25 April 2001, that there would be little point in producing detailed proposals until the principle of the use had been established. The same minute allowed for the possibility that services could be installed without unacceptable damage, but HS centred its objections to the use of rooms for sleeping.

4.4.3 HS uses CPs for its properties for its own purposes, but does not generally share them with owners. A CP was not produced for Rowallan, although the Monument Management Plan (MMP), which was not discussed with the applicant, would serve as a working tool. The applicant's attempt to place responsibility for providing accurate survey information onto HS is also misplaced. Some surveys were done in the 1940s. The Loys survey was commissioned to aid the interpretation and conservation of the site, not to show the impact of development proposals. However, DML was offered some of the drawings in September 2000. The remainder were completed later.

4.4.4 Where an SMC application is made, a decision on whether to grant consent is usually made by HS without direct reference to Ministers. Where it involves a PIC, an in-house clearing system is used; the works are discussed, and consent given with or without conditions. The authorisation for that process is similar to other government bodies. Where there is an outside owner, it is not universal practice to inform that owner of the application or its consent, unless HS consider the works are likely to affect him/her.

Response to the applicant's criticisms of Historic Scotland's stewardship of the castle

The condition of the castle when Guardianship was assumed and the works done

4.4.5 HS's current approach and future proposals for Rowallan accord with the view expressed by Lord Rowallan in 1943 (reported at paragraph 4.1.5). That view carries some weight. The condition survey undertaken in 1943 (Appendix 1 in HS/25) shows that much of the structure, fabric and services of the castle was in very poor condition. It noted chimneys in poor condition; exposed and rotting sarking and poor slating on the roof; significant damp internally and externally; some areas of brick patching to the masonry, which was generally in poor condition; fractures in the main ranges; and that the basement corridor vault was precarious with small areas in need of immediate stabilisation. Internally there was fallen plaster; large areas of defective flooring; some very damp timber panelling and doors, some

being worm eaten and with evidence of rot. The woman house had extensive damp. The windows were in poor condition.

4.4.6 HS and its predecessors have spent a present day equivalent of over £1m over the last 50 years on the recording, repair, consolidation and continuing maintenance of the castle and Keep. As a result it has been successfully rescued and is no longer at risk. However, then, as now, resources for conservation and maintenance were finite. Remedial works (summarised in the Condition Survey in HS/25) therefore required to be prioritised and carried out in phased annual programmes. Areas of greatest concern were addressed in the early years, in the following sequence:

- 1950's - the removal of debris, the rebuilding and consolidation of stone chimneys, the replacement of roof timbers and slating works to the south range and structural repairs to the fractured masonry in the courtyard.
- 1960's - installation of a water supply, septic tank and toilets, widening of the approach road to the guardianship area; a conservation strategy was prepared to guide the excavation, re-instatement and consolidation of the historic features; works to the east range, including the taking down and re-building of the crow-stepped gable, the rebuilding and repair of the chimneys, the replacement of the roof timbers and the complete slating of the roof. Internal structural repairs were undertaken to masonry walls and floor timbers; a new electrical installation was provided, panelling in the west range was stabilised and treated, the stone treads of the main internal stairs were repaired.
- 1970's - the northeast corner of the entrance elevation, which had been damaged by the roots of a nearby tree, was repaired. Because of fears of collapse, it had been shored up by a massive and unsightly buttress. More interior works were done and a start was made on removing vegetation and stabilising the 13th century Keep.
- 1980's - there was further stabilisation of the Keep and repairs to the entrance stair. Consolidation on the masonry to the cellars and basement passage began. The conical turret roofs were stripped, timbers checked and repaired, the towers re-slatted and the decorative finials replaced. The timberwork in the dining room was conserved and re-erected.
- 1990's - the Keep was researched, archaeologically investigated and consolidated. Boundary walls were repaired. However, the works programme for the latter half of this period was severely constrained by restrictions on access by the current owners and by the removal of services to the castle.

Response to DML's criticisms of the quality of the works undertaken by HS

4.4.7 Mr Wright argues that the standards set by HS, and contained in its guides to practitioners, technical advice notes and other publications, acknowledge the international charters more readily nowadays, than may have been the case in the past. A considerable refinement of both the technology of repair and the philosophical basis of protection have taken place in the decades following the second world war. The work carried out at Rowallan reflects this progressive refinement. The earlier interventions, though common practice in their time, cannot be taken as a precedent for best practice today. Conservation is an evolving process of evaluation. He hoped that work not to present-day conservation standards might be removed.

4.4.8 Mrs Grove states that DML's CP overplays the impact and poor quality of HS's early conservation work, yet at the same time suggests that it will follow the precedent set by HS.

While of no direct relevance to the SMC application, that work, and the work that HS proposes to do, inevitably present a benchmark for any other proposal. As demonstrated, the HS work continues to be undertaken by conservation professionals, follows principles identified in 1943, and takes forward the philosophy laid down by Earl Beauchamp in 1912 of minimum intervention. Where replacement was necessary, as was the case for much of the structural timbers, evidence was used to replicate it as closely as possible.

4.4.9 As regards the "dilapidations" listed by DML, some items pre-date HS involvement, (the repointing of the towers); some are temporary (the boundary wall coping); others are accepted as modern (rooflights). In other cases, Mrs Grove accepts that certain types of work, (e.g. plasterboarding) would be done differently now. The panelling on the northern wall of Room G11 (21) is the original. The "B & Q boarding" is an interpretation in the 1980s of the last known timberwork, in the 19th or early 20th Century. HS is also critical of this now. Some plasterwork and plasterboard would be considered for replacement now, as would the B & Q boarding, but only if evidence is available of what was previously there. The windows are not red pine, but most were replaced in the 19th century. The partitioning between rooms F14 and 15 (44 and 45) was on a previous survey. The lime concrete over the excavated tower is an accepted archaeological technique.

4.4.10 The underlying philosophy was that if preservation was the aim, then the extent of justifiable intervention could be elastic. The tower was excavated for structural archaeology, but the extent of work was compatible with stone. The buttresses were removed because they had structural problems. The only other work beyond minimal intervention is the toilet in room G17 (18). Cementitious material may have been used on buttresses and other discreet areas, but not in the last 5 years. It is untrue that lime mortar has been common practice since the 1930s. There was a time lag between the Society for the Protection of Ancient Buildings (SPAB) philosophy of minimal intervention techniques and their adoption by English Heritage and HS. In any event, cement-based mortar would not be unduly harmful, except where stone is fragile and friable on the surface, and it need not be removed now. There have also been changes technical standards and techniques in the use of lime mortar since the 1980s. Considered overall, HS had not gone beyond minimum intervention. In any event, if a preservation end justifies an interventionist means, then so be it. The works listed in section 6 of HS/25 are desirable, though not critical, and are for conservation not presentation.

4.4.11 That said, some HS work is more intrusive and interventionist than would be the case now. However, works to the roof complied with standards at the time they were done. In retrospect, mistakes have been made, and no precise standard have been applied. Structural timber replacement would be less now than then. Floorboards were replaced because many were missing, but their replacement allows more of Rowallan to be seen. Mrs Grove was not aware of an audit trail for the timber. New techniques (e.g. in saving plaster) are now available which were not available at the time of the repairs.

4.4.12 HS denies that its approach to Rowallan is inconsistent with that adopted for other sites. That said, the "restoration" approach that had been adopted at the Great Hall at Stirling Castle might not be pursued now. HS/12 includes illustrations of other SAMs that have been extensively renovated or altered, but these are not PICs. Rowallan's status as a guardianship property is the best guarantee that it would be protected for the understanding and enjoyment of future generations. The level of risk to a property is the key to the strategy adopted in each case. HS has never considered the use of Rowallan as anything other than a SAM and no

other options were considered. However, it is not necessary to preserve buildings 'in aspic'. HS spends a great deal of time and effort in considering the re-use of buildings.

Properties in Care

HS policy and treatment of Properties in Care

4.4.13 Properties are accepted into State care in recognition of their cultural significance, the need to protect them for all time, and the role that they can play in benefiting the local community, and informing visitors about Scotland's rich and diverse history. The merit of Rowallan for guardianship was never in doubt.

4.4.14 The PIC Division within HS has responsibility for the conservation and presentation of 330 properties. Over two thirds are subject to Guardianship agreements while most of the remainder are owned by Scottish Ministers. About 70 are open to the public as staffed properties with an admission charge, some open all year and others on a seasonal basis. Only 8 Guardianship properties are not advertised as being open to the public, some for reasons of public safety, others because they are on the Royal Estate, or are very remote. HS intends to open Rowallan to the public as a staffed property. Funding is available. The expected level of demand means that it would initially be open between Easter and October.

4.4.15 The conservation of PICs is administered through condition surveys and conservation strategies. These form part of HS's monument management planning system and are produced for each property by HS conservation staff. Most conservation and maintenance work on PICs is undertaken in-house, by the Monument Conservation Unit (MCU), although less critical work is contracted out. These arrangements have always applied at Rowallan. MCU work programmes are defined by HS architects and Inspectors of Ancient Monuments, and supervised by Regional and District Works Managers.

4.4.16 HS has still to complete some external pointing on Rowallan. It also wants to remove some of the now inappropriate (but reversible) interventions that were made in the 1970s and 1980s. Rowallan would always be at risk without maintenance and active management. Damp in the basement is not putting the building at risk, although the wooden structure above needs regular attention. Rowallan is the only Guardianship property where HS has difficulty in implementing the access provided for by the DG.

Rowallan as a Property in Care and opening to the public

4.4.17 The rights of access enshrined in the Deed allows the public to visit, under the regulation and management of Scottish Ministers, and allows them to make a charge for entry. HS that would have liked to have opened Rowallan to the public earlier than is currently possible, but funding, the need to prioritise work at other properties, and access difficulties caused by DML have prevented this from happening. While public access over the past 12 years has been minimal, HS did not want to expose the public to potential difficulties. The SMC and planning applications, among other things, were a spur to get the building open.

4.4.18 HS is planning to open Rowallan to the public on a seasonal basis next year (2003). The limited extent of the Guardianship area means that there would be no obvious place for visitors to park. However, HS is intent on resolving the issue, hence its recent application for a car park. Although the HS and DML proposals are not "a beauty contest", DML can offer

parking within the estate, which HS cannot. As long as that situation prevailed, HS would have fewer visitors to the castle, and would have to rely more on those staying at the Lorimer House. In the short term, access would be a difficulty, particularly if the new access to the west of the Gatehouse were constructed.

4.4.19 As well as conserving PICs, HS has to present them to the public. An Interpretation Plan and Operational or Business Plan also form part of the Monument Management Plan, HS/25. The operational plan for Rowallan identifies the most appropriate way to manage visitor access in accordance with the DG and the conservation policies in the Conservation Strategy section of the overall MMP. The Interpretation Plan builds on the information in the Conservation Strategy and identifies the unique qualities of the property and how these are to be interpreted and presented to visitors.

4.4.20 HS's marketing objectives are to attract visitors to its properties, to raise awareness of the importance of Scotland's built heritage, and to raise income to support other conservation activities. To these ends, it initiates media coverage and co-ordinates media visits, often in conjunction with the Scottish Tourist Board and Area Tourist Boards. It also manages advertising campaigns in conjunction with an external advertising agency, takes part in marketing initiatives, and uses other internal divisions to promote special events and attractions aimed at local communities. The Education Service organises free educational visits to HS properties and produces material for schools.

4.4.21 The selection of a primacy date is important in deciding how to interpret a building. While a date for Rowallan has not yet been set, the Mures of the 16th and 17th centuries were the embodiment of the Renaissance in Scotland. The Interpretation Plan in HS/25 shows how their history can be told without compromising the castle. It follows a format laid down by HS that is based on the premise that interpretation is the key to unlocking the potential afforded by PICs, increasing people's enjoyment and understanding of a site and its place in history.

4.4.22 The Interpretation Plan seeks to define its unique qualities and to present ways of communicating these to visitors by assessing the potential of the site, the constraints and core issues affecting visitors' enjoyment. Finally, it considers the most appropriate presentational techniques and themes that will be of greatest interest. The most important parts of the building are the solar and the main hall. The different finishes and materials would be less critical for visitors than the preservation of the main features. The Operational Plan describes how HS would manage the site and, where a large-scale investment in visitor facilities is proposed. It also includes a business plan and investment appraisal. The fragility and complex nature of Rowallan is not suited to open public access, and guided tours are the proposed core interpretation provision. Guides would be supported by an exhibition in the woman house and a guidebook. There would be minimal signage or interpretation boards. Educational visits, small events and functions would increase the visitor base.

4.4.23 HS concedes that Rowallan is not yet ready for opening, but contends that no substantial works would be required. It plans to install a properly controlled and discrete electrical and heating system and to furnish reception and interpretation areas. Free standing retain units would stand on a lime concrete floor over a separating layer. Toilet facilities would also be needed. Access would not be limited by health and safety concerns. HS already has to operate under a fire action plan and an internal safety policy. Neither of these would affect on the character or appearance of the property.

4.4.24 Rowallan is a unique property with a huge amount of information for visitors. It is an irreplaceable resource, not an empty building waiting for a new use; it is an artefact in its own right and should be treated as such. HS believes that it would appeal to a very wide range of visitors, including local residents, and those of Kilmaurs and Kilmarnock. Glasgow and Edinburgh are also within easy travelling distance. The castle is likely to be an attractive destination for those wishing to enjoy a part-day visit to an "historic country house" and to the families of those taking golfing holidays nearby. It is ideal for students of architectural history, and school parties who can learn about the property's unique combination of structures, fixtures and fittings, artefacts and historic associations. Use as living accommodation would destroy many of the qualities that make it of national significance. It would prevent it from being available for the benefit of the local community, school groups and the general public, and would, at the least, obscure the factors that make it SAM. Visitors would have to look beyond the 'heritage' bathroom suites and modern services and other additions to see its value.

4.4.25 Visitor numbers to other properties help to indicate how many might be expected at Rowallan. The most similar properties are Huntingtower Castle in Perthshire with 10,000 visitors, Elcho Castle in Angus with 7,000 and Blackness Castle in West Lothian, with 12,000. That said, these have been open and marketed for many years. Larger houses in Ayrshire and Arran, such as Culzean Castle, Brodick Castle, and Dean Castle show that there are large numbers of people interested in visiting historic properties in this area. Other popular heritage sites such as Dunaskin Heritage Centre, Vikingor and the Scottish Maritime Museum also demonstrate the scale of the visitor base. Many of these sites would complement Rowallan and offer the opportunity for joint promotions and marketing. While initial projections are conservative, this type of property is attracting more interest and, with the right promotion, numbers could exceed the initial HS assessment of 3,500 visitors in year 1 rising to 5,000 in year 3.

4.4.26 The scale of the internal spaces, the sensitivity of the interiors and the need to control the internal environment would limit the operating capacity to about 80-100 visitors per day. Based on seasonal opening, and allowing for the normal pattern of numbers, that would give a maximum annual figure of about 15,000 visitors, well above the annual estimates. That all said, only about 20 people visited Rowallan in 2001. There are no buses to and from the site and only limited accessibility from Edinburgh, but to HS the number of visitors is not critical.

4.4.27 The large number of rooms would make staffing each room poor value, even if visitor numbers reached the maximum operating capacity. Personalised tours would help to bring the building to life and reduce the need for information boards, signs and fixed visitor infrastructure, whilst ensuring that visitors were accompanied throughout. Similar HS seasonal properties attracting comparatively low levels of visitors are usually staffed by 2 part time stewards. The aim at Rowallan would be to provide up to 6 or 7 tours per day, each lasting 30-40 minutes. This would require 2 stewards to be on duty at all times, and therefore a higher staffing level than normal. On that basis, Rowallan could quite easily provide income of £15,000-£20,000 per year after 2 years of marketing. Although that falls slightly short of the £22,000 required to provide staffing for visitors, it may well be that costs could be balanced. While less than the cost of maintaining the property, this is no different from the most guardianship properties.

Statutory and policy context

4.5.1 Mrs Linge states that SMC and planning permission are separate statutory procedures and consent granted under one regime is without prejudice to the other. However, where works under section 2(2) of the 1979 Act also comprise development under section 26 of the T & CP(S) Act, both are required before work can begin. Paragraph 54 of NPPG 1 makes clear that, even where legal or administrative measures outwith the planning system may exist for controlling a particular activity, this can still be a consideration to which weight is given in reaching a planning decision.

4.5.2 NPPG 5 confirms that archaeology is a material planning consideration and provides guidance on the weight to be given, in development planning and development control, to the preservation of the various categories of archaeological site, including SAMs. The statement in paragraph 44 of PAN 42, that ancient monuments legislation takes precedence where buildings are both scheduled and listed, derives from section 55 of the 1979 Act. Paragraph 49 of the PAN explains that the scope of that legislation is more extensive and more detailed than that applied to listed buildings. Accordingly, where a building is both listed and a SAM, the policy that applies in determining a planning application will logically be that for SAMs, not that for listed buildings. The 2 sets of policies represent a hierarchy, are mutually exclusive, and those relating to listed buildings “fly off” when a building is scheduled.

4.5.3 While section 59(1) of the T & CP Act applies in the case of dual designation, it does so only in respect of setting. There is no policy guidance regarding its application to SAMs, and it may not have been disapplied in error. In any event, as the former garden and the barn are both within the scheduled area, impact on the setting of the monument does not arise. Although the proposals for these areas might detract from the setting and appearance of the castle *per se*, the monument is the entire scheduled area. The references in the EAC committee report to “preserving the setting” of the SAM in the reasons for conditions 1 and 2 (EAC/15), and its stress on setting rather than on the direct impact of the proposal on the monument are therefore confusing. Impact on setting has to be distinguished from impact on visual appearance. The latter would include inter-relationship with the surrounding landscape, but as part of the cultural significance (aesthetic value) of the monument, not of its setting.

4.5.4 HS disputes the applicant’s description of the current use of the monument as a “vacant castle”. It maintains that the DG, and the guardianship provisions of the 1979 Act, have given the monument a specific use since 1950. It changed then from a non-use to use as a museum i.e. a non-residential institution within Class 10 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO), serving as an educational resource and a visitor attraction. SDD Circular 1/1998 (HS/18) states that Class 10 “groups together buildings visited by the public for a wide range of purposes on a non-residential basis, e.g. museums”. However, the Order itself does not refer to visits by the public and the fact that the castle does not yet fulfil its full potential as a visitor attraction does not negate that established use. Access is still possible by appointment. HS is working towards restoring

full public access and denies that its plan would constitute a change of use. DML's proposal thus represents a change from a Class 10 use to a Class 7 use, Hotels and Hostels.

4.5.5 The applicant has not advanced any sound justification for its proposal, and there is no evidence that it is required in the national interest, or that it outweighs the importance of preserving the monument *in situ* as required by policy. While it has stated that its proposal would complement the proposed hotel complex at the Lorimer House, the 2001 outline permission was granted on the basis of its own economic viability, without the castle, and it is excluded from the sales particulars for the outline scheme. At best, the application is premature. The hotel complex does not yet exist and the report of the previous inquiry indicates that reserved matters approval and listed building consent for the conversion of the Lorimer House are still required. The economic viability of the outline permission has also to be tested. It is also unclear how the accommodation in the castle would fit into that venture, or how it would operate if the main hotel and the castle were to fall under separate ownerships or management. To allow a speculative change of use in such circumstances would put the future of the monument at too great a risk.

4.5.6 HS strongly refutes the applicant's claim that its proposal would "finish the programme of restoration and rehabilitation work that is substantially complete on site". It maintains that DML's proposal is purely development-led, whereas its own work comprises maintenance and repair in pursuit of conservation. The disparity between the 2 schemes is apparent even in the terms used in the planning application and the CP. "Refurbishment" and "rehabilitation" are not conservation terms and do not appear in conservation guidance such as HS/3, HS/4, HS/5, HS/9, HS/12, and HS/15. The CP acknowledges that HS work is a programme of "repair and consolidation", and that it comprises "conservation measures". "Repair" is defined in BS 7913:1998; "reconstruction" is defined in the Burra Charter; and "conservation" is defined in BS 7913:1998, and in the Burra and Stirling Charters. Whether or not the finishes are "heavy handed" as claimed, they are all reversible, which is a prerequisite of conservation. Mr Campbell agrees that DML's works would be unlikely to be reversed. The Reporter at the Castle Tioram inquiry, who dealt with a broadly similar proposition, found the works proposed there to be strictly reversible and technically feasible, but regarded it as "highly improbable in practice that roofs, plaster and harl would be removed at some future date in pursuit of scholarship".

4.5.7 It would be possible for Ministers to grant planning permission, but to refuse listed building consent, or *vice versa*. However, the recommendation by HS to EAC that planning permission should be refused (EAC/13(iii)) was entirely logical as it had already stated that it was opposed to SMC being granted for essentially the same works. EAC did not assess the application fully, and focussed wholly on hotel use as contributing to tourism. It also accepted at face value, DML's assertion that it would simply be carrying out the same type of works as HS. However, HS had explained the nature of its conservation programme in its consultation response, stating that refurbishment would not accord with conservation principles, and that DML's proposal would have an adverse impact on the monument.

4.5.8 All aspects of the planning application have to be considered at the outset, to prevent piecemeal development and a cumulative impact on the monument. It is impossible to fully assess the change of use, and to decide whether it would be appropriate, without considering the details of the works that would be involved, and their implications for the castle, as

material considerations. EAC/2, in so far as it does analyse these works, is inconsistent. It seeks to distance EAC from the need to consider the works, but concludes, without any clear evidence, that they would not have a significant impact on the monument. The amended version of Condition 1 adds to the confusion by allowing the change of use, but not "refurbishment" works, which are part of the application and are needed to achieve the change of use. Granting planning permission on that basis would not serve any purpose as the permission could not be implemented. The condition also seeks to further restrict the permission, by excluding the proposals for the garden and barn, which are also an integral part of the change of use, and would have adverse implications for the SAM. As far as section 59(3) of the T&CP (S) Act is concerned, DML's proposal would have a direct adverse affect on the character of Rowallan Castle, and on its features of special architectural and historic interest. It would therefore not preserve the monument in its existing state, and could not be achieved without serious detriment to the character of the building.

4.5.9 NPPG 5 provides a detailed policy framework for maintaining and enhancing the quality of archaeological sites. Paragraphs 3 and 4, which are concerned with sustainability and are particularly relevant to the treatment of SAMs within the planning system, are now augmented by "Passed to the Future", which sets out SE policy for the sustainable management of Scotland's historic environment. The application of that policy to the castle is governed by the building's status and significance. The 1979 Act requires its preservation, consistent with the principles of minimal intervention. The Government's commitment to preserving scheduled monuments in the context of sustainable development also fulfils the requirements of the Valetta Convention. DML's proposal is not sustainable. It is not required in the interests of the preservation of the monument, would diminish its cultural significance, and would deprive present and future generations of a publicly maintained heritage asset of the highest significance.

4.5.10 The primary development control policy for SAMs is set out in paragraph 17 of NPPG 5. However, there is no indication in EAC/2 that the council weighed the relative importance of the castle as an amenity, tourism and educational resource against other factors. There is also no clear analysis of the wider benefits of DML's proposal, which has no relationship with the outline permission that was granted in 2001, and falls to be treated on its own merits. Even if the 2001 permission is taken into account, the proposal falls to be assessed against the policies discussed above.

4.5.11 The stress that NPPG 5 places on "preservation *in situ*" derives from the provisions of the 1979 Act, which is also a material consideration in determining the planning application, and is the basis for SAM policy. The Reporter at the Castle Tioram inquiry found these provisions to be consistent with the principle of minimal intervention; and that definitions of "preservation" as expressed in dictionaries, international charters and national guidance are consistent. Generally it means maintaining the fabric of a place in its existing state and retarding deterioration. EAC's assertion that the castle would remain *in situ* does not satisfy this policy, which requires preservation *in situ*. The fact that the building would not be physically moved misses the point.

4.5.12 Although paragraph 17 of NPPG 5 does not define "exceptional circumstances", the reports of the previous Rowallan and Castle Tioram inquiries offer some assistance. Paragraph 23.11 of the latter states:

“Reference was made to the Rowallan Castle and Estate public local inquiry, where the reporter stated: “Given the national importance of scheduled monuments, it would appear reasonable that any development permitted would require to be justified in the national interest”. I see no reason in the evidence before me to depart from that conclusion. I find that consideration of the application for SMC should primarily have regard to the preservation of the SAM and that that purpose should only be set aside in circumstances where wider considerations are deemed, on balance, to be of greater import to the national interest.”

4.5.13 Any change to a SAM is adverse, some more so than others. Proposals have to be considered in the context of the purposes of the 1979 Act, which provides for the investigation, preservation, and recording of matters of archaeological or historical interest. There is no evidence that there are any exceptional circumstances in the present case, and certainly none of a national order that would outweigh the importance that attaches to the preservation of the monument *in situ*.

4.5.14 NPPG 5 also stresses the importance of planning authorities having access to sound archaeological advice on what is a very specialised area of planning. The West of Scotland Archaeology Service (WoSAS) advised EAC that DML’s proposal would have an unacceptable level of damage on a SAM and that, in terms of NPPG 5, planning permission should be refused.

4.5.15 NPPG 18, while of less direct relevance, is nevertheless also a material consideration. Notwithstanding its definition of “The Historic Environment”, it states that it deals primarily with listed buildings, conservation areas, world heritage sites, historic gardens and designed landscapes and their settings, and that it complements NPPG 5. Its scope is further confirmed in the “Policy and Legislative Framework” section, which does not comment on SAM legislation, and its policies for listed buildings do not apply to SAMs. While its application is more ambiguous where the term “the historic environment” is used, this has to be tempered by the stated purpose of the NPPG; firstly, by the statement in paragraph 3 that “the guidelines have been prepared on the basis of the existing statutory framework for planning, listed buildings and conservation areas”; and secondly, by the fact that its definition of “the historic environment” is very broad. Much will depend upon the relative importance of the resource in question, its legal status and the statutory framework which applies. In that context, the following paragraphs are particularly relevant:

- Paragraphs 5 and 26, (in summary) emphasise the importance of the historic environment for education, recreation, leisure tourism, the wider economy, and the quality of life of the local community.
- As the castle is in sound condition, and the DG and the 1979 Act mean that its future is secure, there is no need or “suitable opportunity” for change, in terms of paragraph 8, particularly when what is proposed is not consistent with its protection in the national interest.
- The application is not “appropriate” in terms of paragraph 11, given the status of the monument and the nature of the works, which would erode character and significantly restrict opportunities for public access. No need for the additional hotel

bedrooms has been established, and there is nothing to suggest they would “provide for the needs of people within these areas”.

- Paragraph 20 repeats paragraph 4 of NPPG 5, stating that the historic environment is a finite and non-renewable resource, adding to its definition of sustainability the phrase “continued use”. This is consistent with the primary purpose of NPPG 18, which is to deal primarily with listed buildings and conservation areas, where the concept of “continued use” is important. It is not an issue for SAMs or for archaeological sites.
- The stress in paragraphs 21-25 on retaining buildings in use and finding alternative uses for redundant buildings was never intended to apply to SAMs. These paragraphs do not refer to SAMs or to SMC, and the concept of “best viable use” is couched in terms used in listed building legislation. Even within its own parameters, the policy accepts that not all historic buildings can be readily adapted to new uses, and that the best viable use may not be the most profitable one. That echoes the Stirling Charter, and paragraph 6.3.1 of BS 7913:1998.

4.5.16 It is theoretically possible to have two equal “best viable uses”. However, exceptionally for a SAM, Rowallan does have an economic use, or as near to an economic use as is possible for a Property in Care (PIC), which is consistent with its preservation on cultural grounds. It is not a redundant building for which a new use must be found to secure its future. In any event, a SAM does not need to earn its keep, and its existence can be justified on cultural grounds alone. While DML and EAC seek to draw support from the statement in paragraph 58 of NPPG 18 that “conservation should not be backward looking”, the current use of the castle is consistent with the aims of sustainable development, which is a forward looking concept. DML’s proposal is not a positive approach and would significantly erode the heritage value of a national asset that is not at risk. Paragraph 38 confirms that legislation and development plan policies provide the context for development control decisions that affect the historic environment. In this case, the legislative base is the 1979 Act and the relevant policies are those for SAMs in NPPG 5. There is little in DML’s application that accords with the bullet points that paragraph 38 lists as means of assisting the development control process where applications involve SAMs.

Assessment against the development plan and the EALP

4.5.17 The SLP is very out-of-date and should be given little or no weight. Greater weight should be given to the Finalised EALP (EAC/8), which is a significant material consideration for the purposes of section 25 of the T & CP (S) Act 1997.

Environment and related policies

4.5.18 DML’s proposal would not accord with the policies in the SLP, the AJSP and the EALP that promote the protection and preservation of SAMs, Policy 4.7.15 (which it is accepted is expressed in absolute terms), Policy E20, and Policy ENV1, respectively. Policy ENV1 derives its context from the Environment prime objective identified in the plan and from national and structure plan policy. It is the primary policy in a hierarchy that also includes Policies ENV2 and ENV3. Policy ENV2 does not apply in this case because the castle is a SAM. Policy ENV3 is a secondary issue where archaeological resources are concerned. The EALP recognises that East Ayrshire has a built environment of distinctive local character and a large number of buildings and areas of significant historical and

architectural quality; that a high quality physical environment is important in attracting investment; and it expresses the EAC's commitment to protecting those elements of the natural and built environment that contribute positively to the area's quality and character. DML's proposal would also prejudice the use and enjoyment of the castle as an educational resource and a nationally important visitor attraction. Neither would it accord with Policy G2(D) of the AJSP.

4.5.19 As the castle is in a rural location and the EALP maps do not identify it as a specific development opportunity, Policy ENV14 applies. Development opportunity 193M reflects the outline planning permission granted in 2001. HS asked EAC in April 2001 to make clear in the plan that the permission did not extend to the SAM. EAC agreed that a new policy should be inserted as a modification to the plan to reflect the permission, but stated that the issue would be dealt with by the Reporter at the local plan inquiry. HS interprets "built heritage resource requiring conservation" as implying a resource that this policy says should be conserved. The Burra Charter defines "conservation" as "all the processes of looking after a place so as to retain its cultural significance". BS 7913: 1998 and the Stirling Charter define it as "action to secure the survival or preservation of buildings, cultural artefacts, natural resources, energy or any other thing of acknowledged value for the future". These references indicate that the retention of cultural significance and securing preservation for the future are key issues for "resources requiring conservation". As the applicant's proposal would do neither of these things, it would not accord with this policy, or with its purpose of safeguarding an element of the rural environment which is of prime importance to Ayrshire and nationally.

Policies for Business and Tourism

4.5.20 While the promotion of economic growth is the main focus of the AJSP, the plan also recognises that industrial and business development must not be promoted at the expense of the environment. Policy ADS1 refers to the promotion of sympathetic industrial and business development; while Policy W6 requires the safeguarding and management of natural and built environment resources. Policy IND10(iii) of the EALP countenances sympathetic industrial and business developments outwith settlement boundaries. These should be related to appropriate rural activities, including recreation and tourism developments that are justified and assessed against their impact, including on natural and built heritage resources. HS does not consider DML's proposal to be a sympathetic business development. Furthermore, no justification is provided for the proposal, which would be at the expense of the castle's statutory designation and use as a heritage resource. The castle would inevitably be de-scheduled and the DG rescinded if planning permission were to be granted. Scottish Ministers' remit does not extend to maintaining a hotel. The saving of public money if DML became responsible for maintaining the castle is not an issue. It is in the public interest for the property to remain in State care.

4.5.21 The application does not accord with Policy G5 of the AJSP, or with Policy SD3 of the EALP. The interpretation that should be put on the phrase "site specific locational need" was debated at the previous Rowallan inquiry. It is not defined in the AJSP, but the Reporter concluded (at F121 and F122) that the definition in the EALP was of little help; that the construction to be put on the phrase must reflect the context of structure plan policies, which are concerned with the development and other use of land; and that the need must arise as a

need at the proposed location, and not just a need to achieve a particular purpose. While DML could only satisfy its aspiration for the castle at this location, it has not demonstrated a need for its proposal. It is also not required for any conservation purpose, which must be the prime consideration, given the status of the castle and the policy requirements. The application therefore fails to satisfy criterion A of Policy G5, or criterion (ii) of Policy SD3. In addition, no social or economic benefits have been advanced, in terms of criteria B and (iii), that would outweigh the benefits of preserving the monument and continuing its maintenance as a PIC.

4.5.22 DML's proposal and the current use of the castle both serve tourism functions. Both are also supported by tourism policies in the AJSP, the SLP and the EALP, none of which state a preference for one type of tourism over another. HS's use of the castle is long established and contributes to the range of tourism attractions in Ayrshire. It is an example of "green" or sustainable tourism highlighted in the structure plan and encouraged by EALP Policy TLR1. It also fits into the range of tourist facilities that is encouraged in paragraph 4.8 of the EALP, and has the potential to make a significant contribution to the local and national economy when the current programme of conservation works is completed.

4.5.23 While hotel use would help remedy the deficiencies in the range, quality and variety of tourist accommodation identified in the EALP, this would be at the expense of realising the area's potential for sustainable tourism associated with its historic sites and famous sons, the preservation of the castle, its cultural significance, and its ability to continue as an educational and tourist attraction. These issues are covered by structure and local plan policies, with which the proposal would not accord, but with which AJSP Policy W5 requires compliance. The proposal would also not accord with EALP Policy TLR3, because it fails to meet criterion (ii) of that policy, or with Policy TLR4, which requires compliance with Policy TLR3. However, HS accept that it would accord with the reasons for the policies.

4.5.24 As to the balance between the present use versus that proposed, hotel rooms can be formed in other less sensitive locations, but the castle's unique historic and educational qualities cannot be replicated elsewhere. The accommodation that would be provided would not increase conference or business facilities, which the AJSP identifies as a particular need; it is unclear how the applicant's claim to be able also to accommodate access for tourists, including the clan room, would operate in practice. The size of the castle means that is not a credible proposition. Conversion of most of the principal rooms into bedroom, bathroom, lounge and service accommodation would also obscure the elements of the property that would make it of interest to visitors, and the privacy required by paying guests would prevent any meaningful access to the public. The change would be contrary to the principles of sustainable tourism, and would squander the castle's heritage and educational value.

Policies for Sustainable Development

4.5.25 While the SLP pre-dates the emergence of the concept of sustainable development, the AJSP and the EALP have it at their heart. Policy ADS7 of the AJSP is linked to the promotion of sustainable development as one of the 4 key statements of strategic intent on which the plan's development strategy is based. DML's proposal is very significant in a strategic planning context. The EALP's primary strategic aim is "to promote sustainable development, to maximise the potential of East Ayrshire and to improve the quality of life of

its residents". It is supported by 6 more specific aims which seek to balance the need for development against the need to conserve the unique character of the area, of which AIM 2 and AIM 3 are relevant to DML's application. Policies SD1 and SD7 also promote sustainability principles. For the reasons already explained, DML's proposal is not a sustainable form of development and neither meets the needs of to-day nor safeguards options for future generations. As far as Policy SD7 is concerned, retaining buildings in use and finding compatible new uses is of relevance to listed buildings, not to SAMs. While it could be regarded as supportive of DML's proposal, all things being equal, the plan has to be considered as a whole, including Policies ENV1 and ENV3.

Other material considerations

4.5.26 There are no other material considerations that support a grant of planning permission. As stated above, the application does not accord with the policies for SAMs in NPPG 5, NPPG 18 and PAN 42. Paragraph 49 of NPPG 1 identifies the views of statutory and other consultees, and legitimate public concern or support expressed on relevant planning matters as possible material considerations. EAC has described it as "significant that there is no local objection to the planning application". However, there is also no stated support. No representations were received from members of the public or from the local community council. Accordingly, public concern, either way, is not a material consideration in this case. None of the statutory and other consultees who responded, and whose primary remit is the protection and conservation of the historic environment, supported the application. These concerns are valid and offer no support to the application.